
THE BRECHNER REPORT

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News groups challenge sealing of Martin records

ORLANDO—News organizations in Florida have joined forces to challenge the sealing of records related to the second-degree murder case against George Zimmerman for the death of Trayvon Martin.

The news organizations, including the *The Miami Herald*, *Orlando Sentinel* and *The Associated Press*, filed the motion in Circuit Court in Seminole County

following a request by Zimmerman's attorney to prevent the records release.

The motion asks the court to prevent the sealing of any police reports, autopsy records, and transcripts of witness statements related to the case, which would be open under Florida Public Records Law, according to *The Associated Press*.

Zimmerman, 28, pleaded not guilty,

claiming self-defense, in the Feb. 26 shooting of Martin, 17.

The court may prevent the release of the records if their public release would create an imminent threat to the administration of justice, if there are no alternatives for protecting the defendant's right to a fair trial and if closing the records protects the right of the person being tried, according to *The Associated Press*.

Source: *The Associated Press*

COURTS

FAMU rescinds decision to let panel meet privately

TALLAHASSEE – Five of the seven members of the Florida A&M University hazing committee, convened to provide recommendations to the university on hazing prevention, have resigned following a Board of Trustees decision not to allow the panel to meet privately.

The decision not to allow the panel to meet privately constitutes a reversal of an earlier decision to turn the panel into a fact-finding body so that committee members would be exempt from Florida

Open Meetings and Public Records Law. That decision was approved by the board with a 7-2 vote.

State law allows members of a board to bypass open meeting requirements for "fact-finding" missions. The change, however, would prevent the panel from lawfully making any recommendations to the board.

Gov. Rick Scott criticized the decision

and said the panel should not be allowed to skirt Florida's Open Meetings Law.

FAMU created the panel following the death of drum major Robert Champion, who died during what police have called a hazing incident. FAMU has since suspended its band.

It is now looking for a way to rebuild the committee.

Source: *The Associated Press*, *Tampa Bay Times*, *Tallahassee Democrat*, *Orlando Sentinel*

ACCESS MEETINGS

Ex-Gainesville employee receives \$40K records bill

GAINESVILLE—A former city of Gainesville employee who filed an employment discrimination lawsuit against the city has been told that she cannot receive records from the city related to that case unless she pays nearly \$40,000.

The employee, Erin Friedberg, 36, made a request for records in late 2011

so that she could provide the Commission on Human Relations with documents, statements and other information about her employment, according to *The Gainesville Sun*.

The city of Gainesville told her that it would cost the city more than \$39,000 to review the records to determine if they contained exempt information.

Friedberg requested all emails to and from her during her employment, her personnel file, records related to her termination or resignation and a request during her employment for medical leave.

The city's fee includes a "special service" charge to review 150,000 emails for exempt information, according to *The Sun*.

Source: *The Gainesville Sun*

ACCESS RECORDS

Lawsuit alleges Sheriff's office destroyed records

TALLAHASSEE—A lawsuit against the Leon County Sheriff's Office claims officials destroyed records related to a shooting investigation following the filing of a public records request.

A Tallahassee attorney filed the lawsuit after the sheriff's office failed to hand over personal notes and other

materials related to the October 11, 2010 shooting of officer David Mays, according to the *Tallahassee Democrat*.

The lawsuit alleges Sgt. Brian Pearson kept a "secret" file on Mays' investigation, including personal notes and other materials, which he placed in the paper shredder following receipt of

the request, according to the *Democrat*.

Circuit Judge Kevin J. Carroll, of the 2nd Judicial Circuit in Leon County, gave the sheriff's office 60 days to show cause why the attorney's requests should not be granted, according to the *Democrat*.

Source: *Tallahassee Democrat*

Group wants biomass negotiations voided

GAINESVILLE—A local nonprofit group has filed suit against the city of Gainesville, claiming that negotiations in the purchase of a biomass plant violated Florida's Sunshine Law.

In 2009, the Gainesville City Commission approved a contract for the purchase of a 100-megawatt biomass plant currently under construction on Gainesville Regional Utilities property, according to *The Gainesville Sun*. The contract included a 30-year agreement to purchase all the

power the plant would produce.

In their complaint, the group, Gainesville Citizens Care, Inc., alleges the contract should be declared void because negotiations that led to the contract signing were not open to the public.

In coming to an agreement, the group claims that officials created an advisory committee to make recommendations on the proposed terms of the contract and that those meetings should have been publicly noticed with minutes

recorded.

"The state gives us a constitutional right of access to meetings of the City Commission and it applies to the entire deliberative process, said Barbara Petersen of the First Amendment Foundation. "If the City Commission defers any part of that deliberative process to the staff, then our right of access applies."

Gainesville officials claim the meetings did not violate Sunshine Law.

Source: *The Gainesville Sun*

Lake Wales official guilty of Sunshine violation

BARTOW—Booker Young Jr., 81, was found guilty of violating the state's Sunshine Law for actions related to a March 16, 2011 Lake Wales Housing Authority Board meeting.

During the meeting, Young stood up and invited other members of the board to go outside with him to discuss problems related to the parking lot pavement of the Housing Authority's

office in Lake Wales, according to *The Ledger (Lakeland)*.

Two other members left the meeting with him, but Booker was the only one charged and found guilty.

Prosecutor Sharon Franklin argued that his actions constituted a private, unnoticed meeting about Housing Authority business that was not recorded or discussed in the public meeting when

they returned, *The Ledger* reported.

Young was the only one of the three who spoke outside the public meeting, according to witness testimony.

County Judge Mary Catherine Green, for the 10th Judicial Circuit, fined Young \$67 for the civil violation and ordered him to pay \$500 to the State Attorney's Office for investigation and prosecution costs.

Source: *The Ledger (Lakeland)*

School District abandons photo ID rule

BARTOW—The Polk County School District abandoned its practice of requiring citizens to produce photo identification in order to attend meetings.

The School District created the practice of requiring individuals to produce a driver's license or other photo ID as a safety precaution before allowing individuals to enter the building in which

the meetings were being held, according to *The Ledger (Lakeland)*.

The driver's licenses were then scanned and compared to a Florida Department of Law Enforcement database of sexual offenders and predators. If a person showed up without identification, that person was not allowed to enter the building.

Although Florida Open Meetings Law prohibits individuals from being forced to provide identification to enter a public meeting, it is unclear whether that applies to a public building, *The Ledger* reported.

The district dropped the requirement following a *Ledger* story detailing the practice.

Source: *The Ledger (Lakeland)*

Space Coast Health Foundation wants litigation details sealed

BREVARD COUNTY—Attorneys for Space Coast Health Foundation filed several motions to prevent the release of records and testimony related to an antitrust lawsuit it filed against the Brevard County-based Health First healthcare system.

The suit, which was launched by the foundation formerly known as Wuesthoff in 2005, seeks the forced sale of several of Health First's hospitals as well as its insurance operation in Brevard.

Space Coast's motion requested

information related to damages and fees be withheld from the public.

The foundation also requested a gag order be placed on Health First's 7,000 employees.

COURTS

Health First's attorneys, joined by *Florida Today*, opposed the motions, arguing that many of the documents the foundation is seeking to withhold are public and that excluding the press and public from court proceedings would be a violation of Health First's First Amendment rights.

Source: *Florida Today*

Brechner.org

Visit *The Brechner Center's* website, where you can find:

- Our Open Government Pledge, which you can pass on to your elected officials.
- Florida lawmakers' voting records on open government issues.
- Sample public records request letters.
- The Citizen's Guide downloadable PDF and video.
- Details on open government prosecutions in Florida dating back to 1977.

2012 LEGISLATIVE REVIEW

TALLAHASSEE – The following is a summary of bills pertaining to public records and open meetings introduced during the 2012 legislative session. Chief sponsors of the bills are indicated in italics.

Copies of the legislation in full are available at the Florida Legislature's website (www.leg.state.fl.us).

SB=Senate Bill; HB=House Bill; CS=Committee Substitute

The following eight bills create new exemptions to the state Public Records and Open Meetings Laws.

SB 374 Exemption/Donors – Historic Capitol Museum: Creates a public records exemption for information identifying a donor or prospective donor to the Legislative Research Center and Museum at the Historic Capitol if the donor or prospective donor wants to remain anonymous. *Sen. Nancy Detert (R-Venice)*. Signed by Gov. Scott March 23.

SB 570 Exemption/Donors – Performing Arts Centers: Creates a Public Records Law exemption for information identifying a donor or prospective donor to publicly owned performing arts centers if the donor or prospective donor wants to remain anonymous. *Sen. Jeremy Ring (R-Margate)*. Signed by Gov. Scott March 23.

CS/HB 629 Exemption/Telephone Numbers and Dates of Birth: Expands the current public records exemption to exempt telephone numbers and dates of birth of government employees and their families. Clarifies the exemption for law enforcement officers to include active or former “sworn or civilian” law enforcement personnel, and expands the exemption for judges and justices to include current or former justices and judges. *Rep. Ed Hooper (R-Clearwater)*. Signed by Gov. Scott April 24.

CS/HB 645 Exemption/Title Insurance Information: Creates a public records exemption for proprietary business information provided to the Department of Financial Services. This information can include: business plans; internal auditing controls and reports of internal auditors; reports of external auditors; trade secrets; and financial information, including revenue data, loss expense data, gross receipts, taxes paid, capital investment,

customer identification, and employee wages. *Rep. George Moraitis, Jr. (R-Fort Lauderdale)*. Signed by Gov. Scott May 4.

CS/HB 1089 Exemption/Home Addresses – DBPR & Tax Collectors: Creates a public records exemption for the home addresses, telephone numbers, and photographs of current and former investigators and inspectors of the Department of Business and Professional Regulation and the children and spouses of such investigators and inspectors. Also creates a public records exemption for the home addresses and telephone numbers of county tax collectors and the children and spouses of such collectors. *Rep. Janet Adkins (R-Fernandina Beach)*. Signed by Gov. Scott May 4.

CS/HB 1193 Exemption/Victims of Violence: Creates an exemption from the Public Records Law for personally identifying and location information of victims of domestic, dating, sexual or repeat violence provided to the clerks of court and law enforcement in order for the victims to receive automatic notification when a restraining order requested by the victim has been served. Requires the victims to request protection of their personal information in writing. *Rep. Mia Jones (D-Jacksonville)*. Signed by Gov. Scott April 27.

HB 1239 Exemption/Department of Citrus Research Reports: Creates a public records exemption for non-published research related to citrus disease and crop efficiency conducted by the Department of Citrus. *Rep. Ben Albritton (R-Bartow); Rep. Steve Crusafelli (R-Merritt Island)*. Signed by Gov. Scott April 27.

CS/SB 1856 Exemption/Biomedical Research: Creates a public records exemption for portions of peer review panels of the James and Esther King Biomedical Research Program and the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program. Also creates an exemption for records related to biomedical research grant applications and for research grant applications reviewed by the peer review panel. *Sen. Anitere Flores (R-Miami)*. Signed by Gov. Scott March 23.

The following open government bills were passed in 2012 but do not create exemptions.

HB 231 Meetings and Workshops/ Interlocal Agreements: Allows interlocal boards or commissions to conduct public meetings and workshops by conference telephone, video or other communications technology if the board or commission has member public agencies in at least five counties, if at least three are not contiguous. *Rep. Mike Horner (R-Kissimmee)*. Signed by Gov. Scott April 27.

SB 878 Evaluations/University and College Presidents: Specifies records constituting “limited-access records” under the rules adopted by the State Board of Education proscribing the content and custody of records the Florida College System may maintain on its employees. *Sen. Lizbeth Benacquisto (R-Wellington)*. Signed by Gov. Scott April 6.

CS/HB 937 Publication/Legal Notice: Requires newspapers publishing legal notices to place such notices on their websites and make such notices accessible to the public at no charge. *Rep. Ritch Workman (R-Melbourne)*. Signed by Gov. Scott May 4.

CS/HB 1305 Application of Open Government Laws to Officers-Elect: Requires certain elected officials, upon their election, to adopt and implement reasonable measures to ensure compliance with Public Records Law, including retention requirements. Amends the Open Meetings Law to apply to such elected officials. *Rep. Janet Adkins (R-Fernandina Beach)*. Signed by Gov. Scott March 23.

The following exemptions were reenacted in 2012 under the Open Government Sunset Review Act (OGSR), which requires review of exemptions every five years.

SB 446 Insurance Claim Exchange Data: Reenacts with minor changes the public records exemption for personal information obtained by the Department of Revenue used for identifying parents who owe past due child support. *S. Children, Families & Elder Affairs Committee*. Signed by Gov. Scott May 4.

HB 7013 Census Bureau Address Information: Repeals the public records exemption for United States Census Bureau address information, including maps showing structure location points, agency records verifying addresses, and

agency records identifying address errors or omissions, held by an agency pursuant to the Local Update of Census Addresses Program under Federal law. *H. Governmental Operations Subcommittee.* Signed by Gov. Scott May 4.

HB 7015 Donors – House Museums: Reenacts the public records exemption for information that would identify a donor or prospective donor to a publicly owned house museum designated by the United State Department of Interior as a National Historic Landmark if the donor or prospective donor desires to remain anonymous. *H. Governmental Operations Subcommittee.* Signed by Gov. Scott May 4.

HB 7017 Donors – Historic St. Augustine: Reenacts the public records exemption for information that would identify a donor or prospective donor to the direct support organization for Historic St. Augustine, housed at the University of Florida, if the donor or prospective donor desires to remain anonymous. *H. Governmental Operations Subcommittee.* Signed by Gov. Scott May 4.

HB 7033 DHSMV – Personal Identifying Information: Reenacts with minor changes the public records exemption protecting personal identifying information, and the policy numbers, of anyone insured or formerly insured under personal injury protection and property damage liability insurance policies held by the Florida Department of Highway Safety and Motor Vehicles. *H. Governmental Operations Subcommittee.* Signed by Gov. Scott May 4.

HB 7035 Physician Workforce Surveys: Reenacts with minor changes the public records exemption for personal identifying information contained in physician workforce surveys submitted to the Department of Health by physicians and osteopathic physicians renewing their professional licenses. *H. Government Operations Subcommittee.* Signed by Gov. Scott May 4.

HB 7037 Sunshine State One-Call: Reenacts the public records exemption for propriety confidential business information held by Sunshine State On-Call Florida, Inc. *H. Government Operations Subcommittee.* Signed by Gov. Scott May 4.

HB 7103 Florida Opportunity Fund: Reorganizes the public records exemption protecting proprietary confidential business information concerning investments and the identity of investors or potential investors in projects reviewed by the fund who wish to remain anonymous as well as materials that relate to methods of manufacture or production, potential trade secrets, or patentable material that is received or discovered during research by universities held by the Florida Opportunity Fund or the Institute for the Commercialization of Public Research. Reenacts with changes the exemption for portions of meetings of the boards of the Fund or Institute during which exempt information is presented or discussed. *H. Government Operations Subcommittee.* Signed by Gov. Scott May 4.

HB 7105 Workers' Compensation Joint Underwriting Association: Reenacts the public records exemption for various records held by the Florida Workers' Compensation Joint Underwriting Association, including (1) underwriting files; (2) claims files under termination of all litigation and settlement of all claims arising out of the same incident; (3) audit reports until the audit is completed; (4) proprietary information; (5) medical information relating to the medical condition of an individual; (6) information relating to negotiations for financing, etc., until the conclusion of the negotiations; (7) reports of fraud until investigation of such fraud is complete or no longer active; (8) payroll information received from the Department of Revenue; and (9) attorney-client work product. Reenacts the exemption for portions of meetings at which exempt records or information is discussed as well as transcripts and minutes of the closed meetings. *H. Government Operations Subcommittee.* Signed by Gov. Scott May 4.

HB 7107 Consumer Complaints – Florida Insurance Code: Reenacts with minor changes the public records exemption protecting personal and financial and health information held by the Department of Financial Services relating to a consumer complaint or inquiry filed under the Florida Insurance Code or Workers' Compensation Employee Assistance and Ombudsman Office. *H. Government Operations Subcommittee.* Signed by Gov. Scott May 4.

HB 7109 Lifeline Assistance Plan:

Reenacts the public records exemption for personal identifying information of participants in a telecommunications carrier's Lifeline Assistance Plan held by the Public Service Commission. *H. Government Operations Subcommittee.* Signed by Gov. Scott May 4.

HB 7111 Unclaimed Property Reports: Removes the exception to the public records exemption for social security numbers and property identifiers contained in unclaimed property reports held by the Department of Financial Services. *H. Government Operations Subcommittee.* Signed by Gov. Scott May 4.

CS/HB 7115 Economic Development Records: Reenacts with changes the public records exemption for information held by economic development agencies. Creates a 12-month exemption for private companies and corporations that provide a written request for confidentiality before an economic incentives agreement is signed. Creates an exemption for certain information related to a signed economic development agreement after a final product order is issued. Removes the exemption for anticipated wages for the project jobs that the business plans to create and the average wage actually paid by the business for the jobs created by the project. *H. Government Operations Subcommittee.* Signed by Gov. Scott March 23.

The following bills were introduced in the 2011 session but were not passed.

SB 666, Sealing/Juvenile Criminal History Records

HB 1341/ SB 1624, Expunging Criminal History Records – Traffic Violations

SB 1564 Exemption/Expunged Records – Civil Rights Violations

SB 1862 Exemption/Donors – Division of Insurance Fraud

SB 306, Exemption/Ethics Complaints
HB 1265, Exemption/Mandatory Emergency Payments

SB 584/HB 811, Exemption/Dental Workforce Surveys

SB 1284/HB 7065, Exemption/Personal Information – Toll Facilities

SB 2036, Privatization of Government Functions

HB 491/SB 714, Exemption/State

continued on p. 5

Despite efforts, FOIA backlogs remain

WASHINGTON, D.C.—The government responded to more requests than ever in 2011 but still could not keep pace with the increasing number of requests for copies of government records, according to a new analysis of the latest federal data by The Associated Press.

The year 2011 saw an 8 percent increase in the number of individual requests for records, up from 546,445 – the third time in three years that more than a half-million records requests have been filed.

Responsiveness to FOIA requests increased 5 percent, and 23 of the 37 largest federal agencies witnessed a reduction or stabilization of the number of requests in their backlogs.

“It is not surprising to see more FOIA requests sent in to an administration that has emphasized transparency,” said White House Spokesman Eric Schultz. “We’re making a strong effort to keep up with that demand by devoting more resources to it.”

The White House said it increased the budget \$19 million last year to assist in the efforts.

Source: The Associated Press

Yahoo sues Facebook, claims patent infringement

SAN JOSE, Calif.—Yahoo filed suit against the social network giant Facebook, claiming infringement of 10 of their patents related to its core intellectual properties.

The lawsuit, filed in federal district court in San Jose, Calif., claims that Facebook knowingly and improperly violated patents related to advertising, privacy, customization, social networking and messaging.

The suit comes at a time when Facebook is seeking to go public in one

of the most anticipated stock sales of the last decade.

“We’re disappointed that Yahoo, a longtime business partner of Facebook and a company that has substantially benefited from its association with Facebook, has decided to resort to litigation,” said a Facebook spokesman, according to *The New York Times*. “Once again, we learned of Yahoo’s decision simultaneously with the media. We will defend ourselves vigorously against these puzzling actions.”

Source: The New York Times

Officials commit to transparency

The Brechner Center launched its Open Government Pledge in fall 2010. We encourage you to ask your local and state lawmakers to sign the pledge, available at www.brechner.org, and join the following officials in committing to transparency:

•U.S. Representatives:

Tom Rooney

•State Senators:

Eleanor Sobel, Dist. 31

•State Representatives:

Jim Waldman, Dist. 95

Lori Berman, Dist. 86

Evan Jenne, Dist. 100

John Patrick Julien, Dist. 104

Jason Brodeur, Dist. 33

Dwight Bullard, Dist. 118

Debbie Mayfield, Dist. 80

Marti Coley, Dist. 7

Jeff Clemens, Dist. 89

William L. Weatherford, Dist. 61

Darren M. Soto, Dist. 49

Fred Costello, Dist. 26

•Mayors/Vice Mayors:

Harley Strickland, Orange City

Robert F. Apgar, City of Deland

Buddy Snowden, Lake Helen

Dominic Persampiere, Oviedo

Ann Robbins, Lake Helen

Jeff Triplett, Sanford

Patty Mahany, Sanford

James Cason, Coral Gables

Matthew Surrency, Hawthorne

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Mark McCarty, Sanford

Velma Williams, Sanford

Randy Jones, Sanford

Vernon J. Burton, Lake Helen

Rick Basso, Lake Helen

Cameron Lane, Lake Helen

Fred Lowry Jr., Deltona

Zenaida Denizac, Deltona

Fred Hawkins Jr., Osceola County

Mark P. Miner, St. Johns County

Paulette Burdick, Palm Beach County

Susan Doerner, Casselberry

John B. Sims III, Cooper City

•Council Members:

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Cindy Drago, Oviedo

Russell Holmes, St. Cloud

Kimberly Prosser, Rockledge

James O’Brien, Windermere

Peter B. Brandt, Cape Coral

Joel Tyson, Fellsmere

Jim Love, Jacksonville

•School Board Members:

Diane J. Smith, Volusia

Candace C. Lankford, Volusia

Tina Calderone, Seminole

•Others:

Malcom Thompson, Clerk of Court, Osceola

Tony Ferentinos, Soil and Water Conservation Dist., Osceola

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2012 LEGISLATION CONTINUED

Gaming Commission

HB 791/SB 1012, Exemption/Identity of Children

SB 1096/HB 1477, Exemption/Sexual Offenders Notification System

HB 1367 Strategic Lawsuits Against Public Participation (SLAPP)

HB 1279/ 1584, Exemption/Payment Instrument Transactions Database

HB 149/ SB 230, Notice/Foreclosure Proceedings

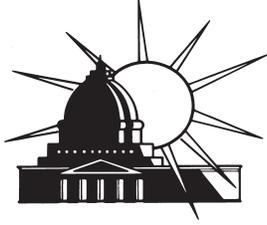
SB 206/ HB 355, Reasonable Right to Speak

Source: Florida First Amendment Foundation (floridafaf.org)

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Mild legislative session passes bill targeting officers-elect

Legislative sessions can, depending on your point of view, be relatively boring – weeks of committee hearings, followed by what too frequently seems like scripted floor debate on major public policy issues. The 2012 session certainly had its moments of tedium, but it was one of the more dramatic sessions in recent years. Not simply because of the huge redistricting and budget deficit issues that had to be addressed, but because attempts to control the debate and predetermine the outcome – at least in the Senate – failed. The prison privatization bill, SB 2038, failed on a 19/21 vote despite assurances to the private sector early on that the bill would be passed and signed into law within weeks of its introduction. The parent trigger bill, despite strong support from Jeb Bush's Foundation for Florida's Future, died on the Senate floor on a tie vote. And in the House, a proposed committee bill that would have afforded legislators and their staff an absolute privilege against civil prosecution never made it through its first committee of reference.

For open government advocates, however, the session was comparatively mild. Although a key piece of legislation that would have guaranteed citizens a right to speak at meetings subject to the Sunshine Law didn't pass, the 2012 legislative session was a qualified success. There were fewer open government bills filed this year – there was a total of 78 bills on the First Amendment Foundation's (FAF) tracking list, considerably fewer than the 108 in 2011 and 122 in 2010. Eight new exemptions to the public records law were approved, but only one was problematic. On the bright side, the Legislature approved a bill that subjects officers-elect to the state's access laws.

Of the bills tracked by the FAF this past session, 25 passed the Legislature, an average total. Almost all were reenactments of current exemptions under the Open Government Sunset Review Act of 1995. While most of the existing exemptions under review were reenacted without modification, a few actually narrowed, including the exemption for economic development records.

Only one new exemption, HB 629, by Rep. Ed Hooper, R-Clearwater, was objectionable; it makes confidential the dates of birth of those government employees whose home addresses



**Barbara
Petersen**

are already exempt from disclosure. The FAF and several media organizations have asked Gov. Rick Scott to veto the legislation.

The officers-elect bill was passed with the support of Gov. Scott, following a year-long effort by the FAF and numerous media organizations to obtain records – including emails – generated by the governor, his staff, and his transition teams between the time Scott was elected and the day he was sworn into office. The governor acknowledged that some of those records were “inadvertently” deleted, and his staff has been working with the Foundation in an attempt to recover

those records that were destroyed. The legislation – HB 1305 by Rep. Janet Adkins, R-Fernandina Beach, and SB 1464 by Sen. Don Gaetz, R-Destin – makes clear that officers-elect are subject to the public records and sunshine laws from the time elections are certified. It was signed into law by Gov. Scott on March 25.

Still, there was disappointment that House Speaker Dean Cannon failed to allow a vote on a measure that would have amended the Sunshine Law to give citizens a reasonable opportunity to speak at public meetings of any board or agency. The Senate measure, SB 206, sponsored by Sen. Joe Negron, R-Stuart, passed through the Senate unanimously; the House companion, HB 355 by Rep. Marty Kiar, D-Southwest Ranches, was approved by all its committees of reference, but Speaker Cannon failed to calendar the bill.

Ironically, the Senate showed little support for the public's right to speak on important policy measures, including the prison privatization and parent trigger bills at key Rules committee hearings – people who had traveled to Tallahassee to speak against the bills were told by the committee chair, Sen. J.D. Alexander, R-Lake Wales, that he'd be happy to take their testimony after the committee had voted to approve the legislation.

There is hope for the public's right to speak bill, however. Incoming Speaker Will Weatherford, R-Wesley Chapel, and President-designate Don Gaetz both have expressed support for Florida's open government laws and we're confident that the legislation will be introduced – and passed – in the next legislative session.

Barbara Petersen is president of the First Amendment Foundation, a non-partisan, not-for-profit organization that acts as an advocate of the public's right to oversee its government.